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Date : January 6, 2010

Client/Matter No : SOLAR1120-3 (051264-0306)

User ID No : 1877

Appeared
1/17/10
PS

MESSAGE:

Re: Appeal No. 2009-006297

Attachment: Renewed Request to Reschedule Hearing Date (2 pages) + Exhibit (6 pages)

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Atty. Dkt. No. SOLAR1120-3 (051264-0306)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant Frank D Husson, Jr.

Appeal No. 2009-006297

Appl. No.: 10/039,277

Filing Date: 1/4/2002

Hearing Room B

Hearing Docket: B

Hearing Date: Thursday, February 4, 2010

Hearing Time: 9:00 AM

| |
|---|
| CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. Stephen E. Reiter (Printed Name) (Signature) January 6, 2010 (Date of Deposit) |
|---|

REQUEST TO RESCHEDULE HEARING DATE

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Appellant hereby requests that the hearing for the above-identified matter (currently scheduled to be held on 2/4/2010) be re-scheduled so that the inventor/Appellant can attend, and participate, in the hearing.

The inventor/Appellant's attendance and participation in the hearing will be most beneficial to all participants because there is no one better to discuss the key features of the claimed article (a sample of which will be produced at the hearing), and the uses thereof, along with the distribution and use thereof around the world. These factors are highly relevant since

Atty. Dkt. No. SOLAR1120-3 (051264-0306)

the only issues on appeal are art-based issues on which the inventor/Appellant can assist the Board should there be any questions as to the interpretation of such art.

Unfortunately, due to a prior commitment¹, the inventor/Appellant is not available to attend the hearing as currently scheduled. Participation by phone will deprive the inventor/Appellant of the opportunity to meet face-to-face with the administrative judges handling this appeal, and deprive the administrative judges of the opportunity to fully interact with the inventor/Appellant. In spite of the extensive travel required to attend the hearing (both the inventor/Appellant and Appellant's counsel must travel coast-to-coast to attend the hearing), we are ready, willing and able to do so to maximize the amount of information available to the Board to assist in rendering a decision in this case.

If the request for re-scheduling the hearing is granted, any time in March, or prior to April 14, would be acceptable for the inventor/Appellant's travel schedule.

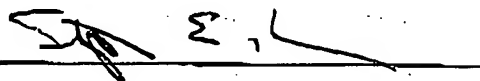
Thank you for your consideration of this request.

Respectfully submitted,

Date

1/6/10

By



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Facsimile: (858) 792-6773

Stephen E. Reiter
Attorney for Applicant
Registration No. 31,192

Attachment—Exhibit A

¹ Well in advance of receipt of the Notice of Hearing, Appellant was scheduled to have access to a time-share for which access is shared with 10 others (see attached cover page of "Operating Agreement" and the 2010 calendar which indicates that owner Husson is scheduled to have use of the premises from February 4-February 17).

**OPERATING AGREEMENT
FOR
472 MAMMOTH, LLC,
a California limited liability company**

THE INTERESTS OFFERED HEREBY HAVE NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933, AS AMENDED (THE "SECURITIES ACT"); OR QUALIFIED UNDER THE CALIFORNIA CORPORATE SECURITIES LAW OF 1968, AS AMENDED, AND ARE BEING OFFERED IN RELIANCE ON SPECIFIC EXEMPTIONS THEREIN RELATING TO THE LIMITED AVAILABILITY OF THE OFFERING. THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION DOES NOT PASS UPON THE MERITS OF OR GIVE ITS APPROVAL TO ANY SECURITIES OFFERED OR THE TERMS OF THE OFFERING, NOR DOES IT PASS UPON THE ACCURACY OR COMPLETENESS OF ANY OFFERING MEMORANDUM OR OTHER SELLING LITERATURE. THESE INTERESTS ARE OFFERED PURSUANT TO AN EXEMPTION FROM REGISTRATION WITH THE SECURITIES AND EXCHANGE COMMISSION; HOWEVER, THE SECURITIES AND EXCHANGE COMMISSION HAS NOT MADE AN INDEPENDENT DETERMINATION THAT THE INTERESTS OFFERED HEREUNDER ARE EXEMPT FROM REGISTRATION. THE COMMISSIONER OF CORPORATIONS OF THE STATE OF CALIFORNIA DOES NOT RECOMMEND OR ENDORSE THE PURCHASE OF THESE INTERESTS, NOR HAS THE COMMISSIONER PASSED UPON THE ACCURACY OR ADEQUACY OF THE INFORMATION SET FORTH HEREIN.

INTERESTS MAY ONLY BE SOLD, TRANSFERRED OR OTHERWISE DISPOSED OF BY AN INVESTOR IF SUBSEQUENTLY REGISTERED UNDER THE SECURITIES ACT AND QUALIFIED UNDER THE CALIFORNIA CORPORATE SECURITIES LAW OR IF, IN THE DETERMINATION OF COUNSEL FOR THE COMPANY, REGISTRATION OR QUALIFICATION UNDER SUCH ACTS IS NOT REQUIRED.

EXHIBIT A

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address: 1319 Lachman Lane, Pacific Palisades, CA 90272, or such other name or such other address within California as shall hereafter be determined Approved by the Members and by amendment to this Agreement and the Articles.

2.3 Names and Addresses of Members. The names and addresses of the Members shall be as set forth in Exhibit "A" attached hereto and as amended from time to time.

2.4 Term. The Partnership commenced on February 12, 1985, and the Company shall commence upon the date the Plan of Conversion and this Agreement are executed and the Articles filed with the California Secretary of State in accordance with the Act. The Company shall continue until December 31, 2015, unless sooner terminated in accordance with this Agreement.

2.5 Purpose and Business of Company. The limited nature and purpose of the business to be conducted by the Company is: (a) to hold and own the Property for investment; (b) to operate, manage, lease and maintain the Property; (c) to finance or refinance the Property by secured or unsecured loans; (d) consistent with its objective of investment for income and appreciation, to eventually market, sell, transfer, exchange or otherwise dispose of all or any part of the Property (although no such disposition is presently contemplated); and (e) to do all things necessary, related or incidental to these purposes permitted under the Act, as may be determined from time to time by the Approval of the Members. The Company shall not engage in any other business unless Approved by the Members.

2.6 Articles of Organization. A Member or another authorized person, on behalf of the Company, shall: (a) immediately execute the Articles and cause such Articles to be filed in the office of the California Secretary of State; (b) execute and cause to be filed certificates of amendment of the Articles whenever required by the Act or this Agreement; (c) execute and cause to be filed original or amended articles or certificates evidencing the formation and operation of the Company whenever required under the laws of any other states or jurisdictions in which the Company determines to do business; and (d) if appropriate, record a certified copy of the Articles and any amendment thereto in the office of the county recorder in every county in which the Company owns or contemplates owning real property or any interest in real property.

2.7 Agent for Service of Process. The Company shall continuously maintain a registered agent in the State of California as required by the Act. The registered agent shall be as stated in the Articles or as otherwise Approved by the Members. The Company may also be required to maintain an agent for service of process in each other state in which it does business.

2.8 Evidence of Non-Foreign Status. The Members may, from time to time in their discretion, require any Member or Assignee to provide to the Company satisfactory evidence (including, but not limited to, a California Withholding Exemption Certificate - FTB Form 590) that such person is a California resident. Non-resident Members who are unable to provide the certificates and/or forms referred to above may be subject to withholding as provided in Paragraph 4.8.

2.9 Further Assurances. The Members will execute such other certificates and documents, and will file, record and publish such other certificates and documents, as may be reasonably necessary or appropriate to comply with the requirements of applicable laws governing the formation and operation of a limited liability company in all jurisdictions where the Company desires to conduct business.

EXHIBIT "A"**MEMBER INFORMATION PAGE**

| <u>Member Name and Place of Residence</u> | <u>Percentage Interests</u> (rounded) | <u>Shares</u> |
|--|--|----------------------|
| Joseph & Jan Anthony 1648 Greenwich Road San Dimas, CA 92773 Home: (626) 332-6136 Work: (909) 860-9375 Fax: _____ Email: Leopride@aol.com | 7.6923% | 1 |
| John & Juanita Bunkers 990 W. 25th Street Upland, CA 91785 Home: (909) 985-3154 Work: (909) 599-8498 Fax: _____ Email: Jbunker@aol.com | 7.6923% | 1 |
| Rex Baumgartner 25123 Barnhill Santa Clarita, CA 91350 Home: (661) 253-0114 Work: (661) 259-3600 Fax: _____ Email: Xbaumgartner@comcast.net | 7.6923% | 1 |
| Rich Jacobson 5965 Ramirez Canyon Road Malibu, CA 90265 Home: (310) 589-5601 Work: (310) 589-9334 Fax: _____ Email: Richardjacobson@charter.net | 7.6923% | 1 |
| Frank & Jacquelyn Husson 10080 Willowcreek Road San Diego, CA 92131 Home: (858) 578-3148 Work: (858) 537-3604 Fax: _____ Email: fhusson@san.rr.com | 7.6923% | 1 |

John & Holly Scaramella
23450 Lyons Avenue, #A
Newhall, CA 91321
Home: (661) 254-0152
Work: (661) 254-0390
Fax: _____
Email: JS23450@hotmail.com

7.6923% 1

Joe & Karen Schroeder
25961 Cedarbluff Terrace
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Work: _____
Fax: _____
Email: kschroe521@aol.com

7.6923% 1

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Fax: _____
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Leroy & Phyllis Vego
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Work: (818) 886-6666
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Email: Gophyl@yahoo.com

15.3846% 2

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Fax: _____
Email: hollywinder@hotmail.com

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Work: (818) 780-0310
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Email: Awhite305@sbcglobal.net

7.6923% 1

Total 100.00% 13

MAMMOTH CONDO SCHEDULE - JAN. 2010 THRU DEC. 2010

| | | | |
|-----------------------|-------------|----------------------|------------|
| DEC. 31-JAN. 6, 2010 | Jacobson | OCT. 28-NOV. 3, 2010 | Tuverson |
| JAN. 7-13, 2010 | Winder | NOV. 4-10, 2010 | Vego |
| JAN. 14-20, 2010 | Baumgartner | NOV. 11-17, 2010 | Husson |
| JAN. 21-27, 2010 | Tuverson | NOV. 18-24, 2010 | Anthony |
| JAN. 28-FEB. 3, 2010 | Vego | NOV. 25-DEC. 1, 2010 | Bunkers |
| FEB. 4-10, 2010 | Husson | DEC. 2-8, 2010 | Schroeder |
| FEB. 11-17, 2010 | Husson | DEC. 9-15, 2010 | Winder |
| FEB. 18-24, 2010 | Anthony | DEC. 16-22, 2010 | Vego |
| FEB. 25-MAR. 3, 2010 | Bunkers | DEC. 23-29, 2010 | White |
| MAR. 4-10, 2010 | Schroeder | DEC. 30-JAN. 5, 2011 | Scaramella |
| MAR. 11-17, 2010 | Winder | | |
| MAR. 18-24, 2010 | Vego | | |
| MAR. 25-31, 2010 | White | | |
| APR. 1-7, 2010 | Scaramella | | |
| APR. 8-14, 2010 | Jacobson | | |
| APR. 15-21, 2010 | Winder | | |
| APR. 22-28, 2010 | Baumgartner | | |
| APR. 29-MAY 5, 2010 | Tuverson | | |
| MAY 6-12, 2010 | Vego | | |
| MAY 13-19, 2010 | Husson | | |
| MAY 20-26, 2010 | Anthony | | |
| MAY 27-JUNE 2, 2010 | Bunkers | | |
| JUNE 3-9, 2010 | Schroeder | | |
| JUNE 10-16, 2010 | Winder | | |
| JUNE 17-23, 2010 | Vego | | |
| JUNE 24-30, 2010 | White | | |
| JULY 1-7, 2010 | Scaramella | | |
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| JULY 15-21, 2010 | Winder | | |
| JULY 22-28, 2010 | Baumgartner | | |
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| AUG. 5-11, 2010 | Vego | | |
| AUG. 12-18, 2010 | Husson | | |
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| SEPT. 2-8, 2010 | Schroeder | | |
| SEPT. 9-15, 2010 | Winder | | |
| SEPT. 16-22, 2010 | Vego | | |
| SEPT. 23-29, 2010 | White | | |
| SEPT. 30-OCT. 6, 2010 | Scaramella | | |
| OCT. 7-13, 2010 | Jacobson | | |
| OCT. 14-20, 2010 | Winder | | |
| OCT. 21-27, 2010 | Baumgartner | | |